

OPINION
50-60

July 3, 1950 (OPINION)

ELECTIONS

RE: Precinct Committeemen

Your letter of June thirtieth asking four questions re county precinct committeemen has been received. I will answer your questions in the order stated:

Question No. 1. If a legislator is also elected precinct committeeman from his precinct, is he entitled to one vote or two?

It is our opinion that such a committeeman could have only one vote on the committee.

Question No. 2. If he is only entitled to one vote, can he name a proxy for the other vote, although he is not absent?

In our opinion he cannot name a proxy in this situation. However, if he is to be absent, he may name a proxy to act for him.

Question No. 3. Must a proxy for a precinct committeeman be a legal voter of that precinct?

In our opinion a proxy must be a legal voter of the precinct for which he is to act.

Question No. 4. In precincts where no precinct committeeman was elected, is this considered a vacancy and how can it be filled?

In our opinion, if no committeeman was elected, and there is no holdover, there is a vacancy, which is filled by appointment by the county executive committee. If there is a holdover, he continues as committeeman, since his election was for a term of four years, or until his successor is elected and qualified.

ELMO T. CHRISTIANSON

Attorney General